



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Elbert A. Walton, Jr., Esq.  
Walton Law Firm LLC  
2320 Chambers Road  
St. Louis, MO 63136

APR 23 2018

RE: MUR 7108  
Citizens to Elect Jay Mosley State  
Committee LLC  
Citizens to Elect Gray  
Linda Weaver

Dear Mr. Walton:

On July 25, 2016, the Federal Election Commission notified your clients, Citizens to Elect Jay Mosley State Committee LLC, Citizens to Elect Gray, and Linda Weaver, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On March 6, 2018, the Commission found, on the basis of the information in the complaint and the response submitted by your clients, that there is no reason to believe that Citizens to Elect Jay Mosley State Committee LLC and Linda Weaver violated 52 U.S.C. § 30125(f), and that the allegation that Citizens to Elect Gray violated 52 U.S.C. § 30125(f) should be dismissed. The Commission closed its file in this matter on April 19, 2018.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003), and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Factual and Legal Analyses, which more fully explain the Commission's findings, are enclosed.

If you have any questions, please contact Shanna Reulbach, the attorney assigned to this matter, at (202) 694-1638.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Y. Tran".

Lynn Y. Tran  
Assistant General Counsel

Enclosures

Factual and Legal Analysis for Citizens to Elect Gray  
Factual and Legal Analysis for Citizens to Elect Jay Mosley State Committee LLC & Linda  
Weaver

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Citizens to Elect Gray and Angela Mosley MUR: 7108  
in her official capacity as treasurer

**I. INTRODUCTION**

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Missouri candidate committee Citizens to Elect Gray and Angela Mosley in her official capacity as treasurer violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by spending soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal candidacy.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint in this matter alleges that Citizens to Elect Gray paid for a door hanger supporting Chappelle-Nadal for Congress.<sup>1</sup> A copy of the door hanger is attached to the Complaint. The door hanger encourages people to "Vote Democratic & Elect" Chappelle-Nadal and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states, "Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay Mosley, LLC, Angela Mosley, Treasurer."<sup>2</sup>

Citizens to Elect Gray filed a Response stating that, though it was the candidates' original intention that Mosley's and Gray's committees share the cost of the door hanger, Citizens to

<sup>1</sup> Compl. at 1 (July 8, 2016).

<sup>2</sup> *Id.*, Attach. A.

1 Elect Gray paid the entire cost of \$356.56.<sup>3</sup> The Respondent attached a copy of the order  
2 confirmation, which billed Citizens to Elect Gray for the door hangers.<sup>4</sup>

3 **B. Legal Analysis**

4 The Act prohibits state and local candidates from spending funds on public  
5 communications that refer to a clearly identified candidate for federal office and promote,  
6 support, attack, or oppose a candidate for that office, unless the funds are in amounts and from  
7 sources permitted by the Act, and are subject to the Act's reporting requirements.<sup>5</sup> Therefore,  
8 state and local candidates can only make such expenditures if they employ a reasonable  
9 accounting method to be sure the communication is paid for with hard money.<sup>6</sup>

10 A state or local candidate can, however, partner with federal candidates to produce a  
11 communication supporting all of their campaigns.<sup>7</sup> So long as each candidate pays for her  
12 allocable share of the communication, no candidate is spending money to support any other.<sup>8</sup>  
13 The Commission's regulations state that, when candidates partner to make a publication, they  
14 must allocate the costs based on "the proportion of space . . . devoted to each candidate as  
15 compared to the total space . . . devoted to all candidates."<sup>9</sup>

<sup>3</sup> Citizens to Elect Gray and Angela Mosley in her Official Capacity as Treasurer, Citizens to Elect Jay Mosley State Committee LLC and Angela D. Mosley in her Official Capacity as Treasurer & Linda Weaver Joint Resp. at 3 (Aug. 9, 2016).

<sup>4</sup> *Id.*, Attach. F.

<sup>5</sup> 52 U.S.C. § 30125(f), *cross-referencing id.* § 30101(20)(A)(iii).

<sup>6</sup> Advisory Op. 2007-26 (Schock) at 3; Advisory Op. 2006-38 (Casey State Committee) at 3.

<sup>7</sup> 11 C.F.R. § 106.1(a).

<sup>8</sup> Advisory Op. 2006-11 (Washington Democratic State Central Committee) at 3 ("AO 2006-11") (concluding that a state political party that wished to distribute a flier featuring one clearly identified federal candidate with other "generically referenced candidates of the State Party Committee" had to pay for the correct proportion of the space used to promote the non-federal candidates, or it would be making a contribution to the federal candidate or a coordinated expenditure with the federal candidate).

<sup>9</sup> 11 C.F.R. § 106.1(a). While this regulation applies only to expenditures made on behalf of "more than one clearly identified federal candidate," the Commission has applied the principle of allocation to situations in which only one federal candidate appears in a communication. *See* AO 2006-11 at 2-4.

1 Under Missouri law, candidates can accept unlimited contributions and contributions  
2 from corporations and labor unions.<sup>10</sup> Therefore, Missouri allows candidates to collect funds in  
3 excess of federal limitations and from sources prohibited by the Act, *i.e.* soft money.<sup>11</sup>

4 The available evidence here indicates that Citizens to Elect Gray, a Missouri political  
5 committee free to collect soft money, paid for the entirety of the communication. However,  
6 because Chappelle-Nadal occupied less than one-fifth of the space on the door hanger, the  
7 potential amount in violation is less than \$71.31 ( $\$356.56 \div 5$ ). Given this *de minimis* amount,  
8 the Commission dismisses Citizens to Elect Gray's 52 U.S.C. § 30125(f) violation as a matter of  
9 prosecutorial discretion.<sup>12</sup>

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<sup>10</sup> MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit); *id.* § 130.029 (stating that corporations and labor organizations may make contributions).

<sup>11</sup> 52 U.S.C. § 30116(a)(1)(A) (providing the individual contribution limit); *Contribution Limits for 2015-2016 Federal Elections*, FED. ELECTION COMM'N, <http://www.fec.gov/info/contriblimitschart1516.pdf> (last visited Jan. 30, 2017) (stating that the indexed individual contribution limit to a candidate and her authorized committee is \$2,700 per person, per election); *see also* 52 U.S.C. § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

<sup>12</sup> *Heckler v. Chaney*, 470 U.S. 821 (1985).

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Citizens to Elect Jay Mosley State  
Committee LLC and Angela D. Mosley  
in her official capacity as treasurer  
Linda Weaver

**MUR: 7108**

**I. INTRODUCTION**

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Citizens to Elect Jay Mosley State Committee LLC and Angela D. Mosley in her official capacity as treasurer, together with local candidate Linda Weaver (collectively, the "Respondents"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by spending soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal candidacy.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint in this matter alleges that the Respondents paid for a door hanger supporting Chappelle-Nadal for Congress.<sup>1</sup> A copy of the door hanger is attached to the Complaint. The door hanger encourages people to "Vote Democratic & Elect" Chappelle-Nadal and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states, "Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay Mosley, LLC, Angela Mosley, Treasurer."<sup>2</sup>

<sup>1</sup> Compl. at 1 (July 8, 2016).

<sup>2</sup> *Id.*, Attach. A.

1           The Respondents filed a Joint Response stating that, though it was the candidates'  
2 original intention that Mosley's and Gray's committees share the cost of the door hanger,  
3 Citizens to Elect Gray paid the entire cost of \$356.56.<sup>3</sup> The Respondents attached a copy of the  
4 order confirmation, which billed Citizens to Elect Gray for the door hangers.<sup>4</sup>

5           **B.     Legal Analysis**

6           The Act prohibits state and local candidates from spending funds on public  
7 communications that refer to a clearly identified candidate for federal office and promote,  
8 support, attack, or oppose a candidate for that office, unless the funds are in amounts and from  
9 sources permitted by the Act, and are subject to the Act's reporting requirements.<sup>5</sup> Therefore,  
10 state and local candidates can only make such expenditures if they employ a reasonable  
11 accounting method to be sure the communication is paid for with federally permissible funds.<sup>6</sup>

12           The available evidence here indicates that Citizens to Elect Gray paid for the entirety of  
13 the communication. Therefore, because neither Citizens to Elect Jay Mosley nor Linda Weaver  
14 paid for the door hanger, the Commission finds no reason to believe that the Respondents  
15 violated 52 U.S.C. § 30125(f).

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<sup>3</sup> Citizens to Elect Gray and Angela Mosley in her Official Capacity as Treasurer, Citizens to Elect Jay Mosley State Committee LLC and Angela D. Mosley in her Official Capacity as Treasurer & Linda Weaver Joint Resp. at 3 (Aug. 9, 2016).

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